



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAR 13 2014

REPLY TO THE ATTENTION OF:

SC-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

L & B Enterprises  
William Warnecke, Principal  
122 Amanda Street  
Clyde, Ohio 43410

Re: Clyde Paint Site in Clyde, Eastern Sandusky County, Ohio  
Site Identification Number: C5K8  
Demand Letter

Dear Mr. Warnecke:

The U.S. Environmental Protection Agency conducted response actions to address contamination at the Clyde Paint Site (CPS). EPA took these actions under authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. §§ 9601-9675. Prior to undertaking these response actions, EPA determined that there was a release or threatened release of hazardous substances from the CPS. The EPA performed the response actions using monies authorized by CERCLA, as amended.

EPA conducted a Time-Critical Removal Action from October 29, 2012 to November 2, 2012. During the removal action, EPA excavated, removed and disposed of approximately 105 cubic yards of contaminated soil. All excavated areas were backfilled with clean soil and restored.

EPA has incurred response costs associated with the CPS. The approximate EPA response costs identified up to December 31, 2013 for the CPS are \$45,994.81. A summary is enclosed.

Information available to EPA indicates among other things that you are potentially responsible for the release, or threat of release, of hazardous substances from the CPS. Pursuant to the provisions of Section 107(a) of CERCLA, and based on evidence currently available to the agency, EPA believes that you may be liable for the payment of all costs incurred by EPA in connection with the CPS. Partial payments will not release the payor of liability for payment of the rest of the costs that are owed to EPA. Limiting language on the check or in accompanying

letters will be considered to be advisory only and will not be considered as placing conditions on the amount paid or as limiting liability on other costs demanded in this letter.

Such payment must be made by a cashier's or certified check made payable to the "U.S. EPA Hazardous Substance Superfund", which is established by the Internal Revenue Code, 26 U.S.C. § 9507, and administered by EPA. Please send your check to U.S. EPA, Superfund Payments, Cincinnati Finance Center, P.O. Box 979076, St. Louis, Missouri, 63197-9000. Place the following Site Identification Number on the check: (C5K8). Please send a copy of your payment check to Thomas Marks, Chief, Enforcement Services Section 1 (SE-5J), U.S. EPA, Region 5, Superfund Division, 77 West Jackson Boulevard, Chicago, Illinois 60604, and to Cathleen Martwick, Office of Regional Counsel (C-14J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

While this letter demands that you reimburse EPA for all funds spent at the CPS, EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If you believe, and can document, that you fall within this category, please contact Cathleen Martwick at (312) 886-7166 for information on "Ability to Pay Settlements." In response, you will receive a package of information about such settlements and a form to fill out with information about your finances, and you will be asked to submit financial records including business and personal federal tax returns. If EPA concludes that you have a legitimate inability to pay the full amount, EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

We hereby demand that you make restitution by payment of the amount in this letter expended by the agency in connection with the CPS pursuant to authority of CERCLA, as amended. Pursuant to Section 107(a) of CERCLA, as amended, interest shall begin accruing as of the date of this demand, if payment is not received within thirty (30) calendar days of receipt of this letter. If we do not receive a response from you within this time frame, EPA will assume that you have declined to reimburse the Fund for the CPS expenditures, and pursuant to CERCLA, EPA may pursue civil litigation against you to recover all of its costs, with interest.

Some or all of the costs associated with this notice may be covered by current or past insurance policies issued to you. Most insurance policies will require that you timely notify your carrier(s) of a claim against you. To evaluate whether you should notify your insurance carrier(s) of this demand, you may wish to review current and past policies, beginning with the date of your first contact with the CPS, up to the present. Coverage depends on many factors, such as the language of the particular policy and state law.

Also, please note that, because EPA has a potential claim against you, you must include EPA as a creditor if you file for bankruptcy. EPA reserves the right to file a proof of claim or an application for reimbursement of administrative expenses.

If you desire to discuss your liability with EPA, please contact Cathleen Martwick, Associate

Regional Counsel, in writing no later than thirty (30) calendar days after receipt of this letter. Ms. Martwick may also be reached by phone at (312) 886-7166. Thank you for your prompt attention to this matter.

Sincerely,

  
for Sharon Jaffess, Chief  
Enforcement & Compliance Assurance Branch

Enclosure

## Itemized Cost Summary

CLYDE PAINT SITE, CLYDE, OH SITE ID = C5 K8

Cumulative Costs Through 12/31/2013.

<b>REGIONAL PAYROLL COSTS .....</b>	<b>\$8,252.16</b>
<b>ENVIRONMENTAL RAPID RESPONSE SERVICES (ERRS)</b>	
ENVIRONMENTAL QUALITY MANAGEMENT, INC. (EPS50802) .....	\$18,359.62
<b>SUPERFUND TECH. ASSISTANCE &amp; RESPONSE TEAM (START)</b>	
WESTON SOLUTIONS, INC. (EPS50604) .....	\$2,584.01
<b>TECHNICAL SERVICE AND SUPPORT</b>	
PRIMUS SOLUTIONS, INC. (EPW11024) .....	\$210.80
<b>EPA INDIRECT COSTS .....</b>	<b>\$16,588.22</b>
<b>Total Site Costs:</b>	<b>\$45,994.81</b>